

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

ATS TREE SERVICES, LLC,

Plaintiff,

v.

FEDERAL TRADE COMMISSION; LINA M. KHAN, in her official capacity as Chair of the Federal Trade Commission; and REBECCA KELLY SLAUGHTER, ALVARO BEDOYA, ANDREW N. FERGUSON, AND MELISSA HOLYOAK, in their official capacities as Commissioners of the Federal Trade Commission,

Defendants.

No. 2:24-cv-01743-KBH

**JOINT MOTION TO SUSPEND  
DEFENDANTS' RESPONSIVE PLEADING DEADLINE**

The parties respectfully request that the Court suspend Defendants' deadline to file a responsive pleading to Plaintiff's complaint pending the Court's entry of an order on Plaintiff's pending motion for a stay of effective date and preliminary injunction, and the parties' filing of a joint status report proposing next steps in the case within fourteen days of that order. Good cause exists to suspend the responsive pleading deadline at this juncture:

1. Plaintiff ATS Tree Services, LLC filed the complaint on April 25, 2024, challenging the Federal Trade Commission's Non-Compete Clause Rule, 89 Fed. Reg. 38,342 (May 7, 2024) (Rule). ECF No. 1. ATS served the complaint on the United States Attorney's Office on May 1. Defendants' responsive pleading to ATS's complaint is due on July 1. *See* Fed. R. Civ. P. 12(a)(2).

2. Plaintiff has moved for a stay of the Rule's effective date and preliminary injunction. ECF No. 10. This Court has indicated that it anticipates issuing a ruling by July 23. ECF No. 15.

3. Defendants submit that preparing and filing a responsive pleading to Plaintiff's complaint by July 1, in light of the Court's forthcoming ruling on Plaintiff's motion, would not be an efficient use of Defendants' resources.

4. Furthermore, the parties agree that this Court's ruling on the pending motion will likely inform next steps in the litigation, including the utility and timing of a responsive pleading. As such, the parties propose that within fourteen days of this Court's ruling on the pending motion, the parties meet and confer and file a joint status report proposing how the litigation should proceed thereafter.

WHEREFORE, the parties respectfully request that the Court suspend Defendants' deadline to file a responsive pleading to Plaintiff's complaint pending the Court's entry of an order on Plaintiff's pending motion for a stay of effective date and preliminary injunction, and the parties' filing of a joint status report proposing next steps in the case within fourteen days of that order. A proposed order is attached.

Dated: June 25, 2024

/s/ Sean Radomski

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Respectfully submitted,

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document has been filed electronically and is available for viewing and downloading from the ECF system.

/s/ Arjun Mody  
ARJUN MODY

**CERTIFICATE OF CONFERENCE**

I hereby certify that the parties have conferred and jointly request the relief sought in this motion.

/s/ Arjun Mody  
ARJUN MODY